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International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
Twenty-fifth session

Summary record (partial)* of the 331st meeting
Held at the Palais Wilson, Geneva, on Wednesday, 31 August 2016, at 3 p.m.

Chair: Mr. Brilliantes

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Initial report of Nicaragua

* No summary record was prepared for the rest of the meeting.

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The discussion covered in the summary record began at 3.35 p.m.

Consideration of reports submitted by States parties under article 73 of the Convention (*continued*)

Initial report of Nicaragua (CMW/C/NIC/QPR/1; and text distributed in the meeting room in Spanish only)

1. *At the invitation of the Chair, the delegation of Nicaragua took places at the Committee table.*

2. **Mr. Estrada Román** (Nicaragua), introducing his country's initial report (text distributed in the meeting room in Spanish only), said that human rights were indissolubly linked with the Government's strategic objectives, which included sustained economic growth, poverty reduction, better working conditions, lower social inequality and an improved quality of life. It was imperative for all States to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in particular those that, despite claiming to uphold peace throughout the world, instead created instability, provoked war and undermined national sovereignty, while failing to address the structural causes of migration. The promotion by such States of discriminatory, xenophobic and inhuman policies to target migrants in irregular situations should not be tolerated.

3. Nicaragua had ratified the Convention in October 2006. The national laws and the international instruments to which Nicaragua was a party formed the legal basis on which the current Government had been building since 2007. The Government was committed to human rights, peace and human solidarity and, in that context, devoted special attention in its public policies to the community, the family and the person as a human being. The current Government was endeavouring to reaffirm the rights and values of the Nicaraguan people after many years of neo-liberal rule.

4. In line with its international obligations under the Migrant Workers Convention and other human rights treaties to which it was a party, Nicaragua guaranteed the legal security of migrant workers and their families under its national law, including its Constitution, which had undergone reform in 2014. All persons were equal before the law and had the right to equal protection; therefore all foreigners, including migrant workers and their families, enjoyed the same rights, guarantees and protections as Nicaraguan citizens, including the rights to life, protection against bodily harm, health and education. The Government had introduced a family and community health model and, in 2007, had reinstated free public education. Nicaraguan embassies and consulates offered protection to Nicaraguan workers who migrated to other countries.

5. The Ministry of Labour offered legal assistance on work-related issues and facilitated the process by which the employment contracts of migrant workers were certified, as was required under Nicaraguan migration law. Refugees were entitled to the same assistance as migrant workers. Articles 10, 16, 17 and 167 of the General Act No. 761 of 2011 on Migration and Immigration dealt with the right of migrants to work. The Act included legal safeguards for migrant workers' rights and the rights of their families, their access to diplomatic and consular representation and their right to receive pay. It also set out the procedure according to which they could obtain administrative permission to work and enumerated their rights in the event that they were subject to expulsion.

6. No bilateral or multilateral agreements on migration between Nicaragua on the one hand and Costa Rica, Panama, Mexico or the United States of America on the other were currently in force. Pursuant to article 15 of the Labour Code, it was forbidden for Nicaraguan workers to sign contracts in Nicaragua for work to be completed abroad

without the permission of the Minister of Labour. Private recruitment agencies were also forbidden from offering workers such contracts.

7. At the national level, the oral labour procedure had been incorporated into the judicial system, a programme to eradicate and prevent child labour and protect adolescent workers had been implemented and a law on labour inspections had been approved. A national plan had been developed to promote the creation of decent employment for young persons in order to support their social inclusion.. The procedures required for foreign workers to obtain permission to work in Nicaragua were published on the relevant authority's website.

8. Nicaragua had ratified 62 international instruments, of which 56 had entered into force, including the 8 fundamental International Labour Organization (ILO) conventions. It had recently ratified the Maritime Labour Convention, 2006, the ILO Domestic Workers Convention, 2011 (No. 189) and the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).

9. Nicaragua had implemented a successful model to guarantee access to justice, and there were currently no delays in the judicial process. The social context had improved as a result of better understanding between communities, and the rate of violence had decreased in relation to that of other Central American countries. Access to justice was guaranteed throughout the country for both Nicaraguan citizens and foreign nationals, who had unfettered access to an established nationwide procedure. The creation of the National Labour Appeals Court and the implementation of the oral labour procedure had also served to improve access to justice, and the Constitutional Division of the Supreme Court had adjudicated each case of alleged constitutional violation referred to it in conformity with the provisions of the *Amparo* Act. Pursuant to article 51 of the Code of Criminal Procedure, it was possible for individuals who considered their rights to have been violated to institute criminal proceedings directly and independently before judicial bodies.

10. Although it was not part of the Government's policy to encourage citizens to migrate, the Ministry of Labour was — in conjunction with the International Labour Organization, the Spanish Agency for International Cooperation and the International Organization for Migration — running a project that included a campaign to raise awareness among Nicaraguans who migrated for employment to Costa Rica of the rights to which they were entitled as migrant workers. A bilateral agreement between the two most powerful workers' organizations in Costa Rica and Nicaragua had been signed in order to defend the human and labour rights of migrant workers and to spread information and awareness of the social, economic and labour rights of workers in Costa Rica, including migrant workers, who made up a large percentage of the Costa Rican labour force. Those efforts would also serve to highlight the importance of combating the evasion by employers of their obligation to make social security contributions, the underreporting of wages, the denial of the freedom to form trade unions and wage insecurity.

11. **Mr. Ceriani Cernadas** (Country Rapporteur) said that, although the list of issues had been transmitted to the State party more than one year previously, the State party's initial report had been submitted only a few hours before the meeting, which had prevented the Committee from giving it due consideration. Furthermore, the report failed to respond to the list of issues in a satisfactory manner, and the composition of the delegation had not included any officials who were directly involved in formulating migration policy in the State party.

12. While welcoming the reform of the State party's migration legislation in 2011, which made explicit reference to the Convention as its foundation, he noted that national laws did not seem to provide for any alternatives to detention for migrants in an irregular situation. Detention should be an extraordinary measure and used only as a last resort. He

asked whether there were any mechanisms that allowed migrants to appeal judicial decisions issued against them. The delegation should clarify the provision that listed "proven vagrancy" as a ground for deportation. He wished to know whether there were any policies, measures or programmes that addressed the root causes of migration among Nicaraguan citizens and that encouraged the latter's reintegration upon returning to the country.

13. The delegation should comment on reports of the ill-treatment and excessive use of force against Cuban and, more recently, Haitian and African migrants attempting to enter Nicaragua on their way to destination countries farther north. He requested additional information about the recent case in which some dozen Haitians had died while attempting to cross the border into Nicaragua. He asked what measures had been taken to identify them and to inform their families. Had the families been consulted before the bodies of the deceased had been cremated?

14. He would appreciate an account of the process used to collect qualitative and quantitative statistical data on migration in relation to both Nicaraguans who migrated abroad and foreigners who migrated to Nicaragua. He asked why Nicaragua had not participated in the most recent meetings of the Regional Conference on Migration; why it had not signed any bilateral agreements with the main countries of destination of Nicaraguan migrants; and why responsibility for consular assistance services had recently been transferred from the Ministry of Foreign Affairs to the Ministry of the Interior.

15. He wished to know whether the Government had taken any measures to recognize the right of Nicaraguans living abroad to vote in elections. He requested further information about migrant detention centres in the country, including conditions of detention, and asked whether representatives of civil society organizations were permitted to visit such centres. Were migrants also detained in other facilities, such as police stations?

16. Additional clarification should be provided about the practice of detaining Nicaraguan migrants who had been deported from other countries and returned to Nicaragua. It would be useful to know whether the National Commission on Refugees and the Commission on Migrant Support were fully operational and, if so, what kinds of activities they carried out. He asked what measures the Government had taken to locate and identify missing Nicaraguans who had disappeared in Mexico while attempting to migrate. What was being done to inform and protect the families of those victims and to ensure their access to the justice system?

17. **Mr. Núñez-Melgar Maguiña** (Country Rapporteur) asked whether the State party was considering establishing mechanisms that would open up markets abroad and enable the orderly and informed migration of Nicaraguans who wished to take up private employment in another country in jobs not necessarily governed by public bilateral agreements. He asked whether the Costa Rica-Nicaragua co-development project included any training or counselling services for migrants.

18. He wished to know whether human trafficking constituted an offence in the Criminal Code; what measures had been adopted to combat it and to assist and protect trafficking victims; and whether such measures cut across all sectors relating to migration. He asked whether police officers and border guards received training that would help them combat that scourge. He wished to know more about the role Nicaraguan consular services played in promoting and protecting the rights of Nicaraguan migrants. Such a role should include preventing human trafficking, helping communities of Nicaraguan nationals living abroad to preserve their culture, providing legal assistance to Nicaraguans in detention in other countries and providing emergency assistance to Nicaraguan victims of violence abroad.

19. Additional information should be provided about the conditions of detention of migrants in an irregular situation in Nicaragua, the duration of their detention and the procedures governing it. The delegation should comment on reports that migrants were being detained in the State party for up to three months. He asked whether there were any bilateral agreements in place concerning the return of migrants by land. He also asked whether there were administrative or legal proceedings available to migrants who wished to lodge an appeal against a deportation order.

20. Noting that border areas had become rife with crime, including both human trafficking and drug trafficking, he asked whether the militarization of the border could be expected to improve that situation, or whether it was simply a response to an issue of national security. He would appreciate receiving details about programmes to help returning migrants reintegrate into society.

21. **Ms. Landázuri de Mora** said that she would welcome more information, including statistical data, on the consular services and types of assistance provided to Nicaraguans abroad, as well as information on the remittances received by Nicaragua, including their origin and any policies regarding them. The delegation should also give further explanation of the validity, scope and application of the bilateral and multilateral agreements concluded by the State party, including the free movement agreement it had signed with Guatemala and Honduras, which permitted mobility for the purposes of trade and tourism and which might encourage larger labour migration flows. She would be interested to learn more about the work done by Nicaragua and El Salvador on a temporary migration mechanism that would protect migrants from both countries and allow them to regularize their immigration status.

22. She asked whether the State party had received inputs from civil society organizations or NGOs working in the sphere of migration in its efforts to estimate how many migrants from other countries were in transit in its territory. She be interested to know more about the crisis involving migrating Cuban nationals, given that it had begun in 2015 had still not been resolved. Many of those migrants had been subjected to mass expulsion from Nicaragua after crossing the Nicaraguan border with Costa Rica, while others had managed, clandestinely, to reach Honduras. She wished to know whether Nicaragua had assisted those clandestine migrants, given the fact that, since they were unrecognized by States, they were among the most vulnerable of migrants and often fell into the clutches of trafficking networks. What strategies and policies had the Government adopted or did it plan to adopt in order to protect such persons and guarantee respect for their human rights?

23. **Ms. Ladjel** requested details concerning the State party's efforts to promote and disseminate the Convention throughout the country and asked which authority was entrusted with that responsibility. Noting that the State party had devised a plan on decent youth employment for the period 2012-2016 and a strategic plan for the prevention of child labour for the period 2007-2016, she asked what impact those plans had had on children who were sent out to work without having reached the minimum age of employment and on young people who decided to migrate, despite all the risks such a decision entailed.

24. The delegation should explain why, despite the existence of the National Council for Migration and Immigration that was designed to safeguard their interests, Nicaraguans who emigrated did not enjoy the right to vote. She expressed concern at reports that restrictions had been placed on the visits to detention centres carried out by civil society organizations, whereas the purpose of such organizations was to support Government efforts and provide a public service. She requested an explanation of the State party's policy in that regard. Lastly, she asked why assistance for child victims of trafficking was limited to those aged 14 and under and whether the Government used a different definition of childhood than the one that was commonly accepted around the world.

25. **Ms. Castellanos Delgado** said that she wished to highlight the importance of the Central American Integration System, whose efforts were supported by all Central American countries, regardless of their differing ideologies and challenges. Integrated efforts in the spheres of development and education, inter alia, were required to alleviate the suffering of children in the region and to provide them with the help they needed, since they represented the future of their countries. She expressed concern that, with migration at such high levels, a large part of the population would soon be living abroad, while others would have returned with disabilities, presenting difficulties for the country's progress and development. It was imperative for Central America to engage in the integration process in order to secure its future in a way that respected the policies of each country while at the same time promoting solidarity, resolving development problems and establishing peace. She would be grateful if the delegation could provide information and statistics on the return of children and young people and on returning migrants who had sustained disabilities, since the data provided were incomplete.

26. **Mr. Kariyawasam** said that he had not been able to read the report because it had been delivered late and was available only in Spanish. Nevertheless, he noted that Central America had been struggling for some time with the irregular transit of the children of migrant workers through the region and that State responses had been fragmented, with each country seeking to address its own concerns. He would be interested to learn what talks Nicaragua had held with receiving countries, what action it had taken to deal with such children and whether any bilateral agreements concerning them had been concluded. He would also welcome information on the types of care provided to returning children, including children who had been subjected to trafficking, such as access to dedicated reintegration centres and social and psychological counselling, as well as on any measures that had been taken to prevent that phenomenon.

27. **The Chair** suggested that a 15-minute recess might be taken so that the delegation could compose its responses and seek additional information if necessary.

28. **Mr. Estrada Román** (Nicaragua) said that, while 15 minutes might be sufficient to convey a request for information to his capital, it was unlikely that it was sufficient for receiving adequate responses. He asked whether the Committee could grant the State party a longer interlude, so that the delegation could provide structured answers, in keeping with the Government's instructions, at the next meeting with the Committee.

29. **The Chair** said that the delegation's request was not in keeping with the Committee's customary procedures for the examination of States parties' reports. States parties usually had a number of qualified persons ready to respond to each question and generally did not need longer than 15 minutes to consult with authorities in their capital. Consequently, the request would have to be referred to the Committee as a whole. He suggested that Committee members should put additional questions to the delegation, including follow-up questions, so as to allow the delegation to transmit all of them to the Nicaraguan Government at one time.

30. **Ms. Dzumhur** said that it was important for all States parties to follow the same procedures and to receive the same treatment, since altering them risked setting a precedent that might adversely affect the Committee's future work. Nicaragua had the same responsibilities under the Convention as other States parties, and the session had been announced with sufficient lead time to allow the State party to prepare its replies. If the dialogue was to continue, the Committee should be given an explanation as to why the report had not been submitted on time and why the delegation had not been able to give answers, so that that information could be included in the Committee's concluding observations. Although she had doubts about whether the Chair's suggestion would allow for a proper dialogue with the State party, she was nevertheless prepared to continue the dialogue, while expressing the hope that such a situation would not be repeated.

31. **The Chair** said that the Committee as a whole should reach a consensus before proceeding with his suggested course of action, whose objective was for the State party to present all its replies to the Committee's questions at the Committee's next meeting.

32. **Mr. Ceriani Cernadas**, supported by **Ms. Castellanos Delgado**, said that he endorsed the Chair's suggestion, since the Committee needed the best information it could get in order to complete its review of the State party. Following that suggestion would allow the Committee to draw up at least the most important of its recommendations, thereby enabling the State party to move forward in protecting the rights covered by the Convention. Although such a course of action was not ideal for establishing an interactive dialogue, he recalled that a similar situation had arisen with Ghana during the Committee's twenty-first session.

33. **Mr. El-Boral** said that he preferred to wait until he had received replies to the first round of questions before turning to more specific legal issues. It was unclear how the Committee's follow-up questions would be dealt with, given the limited time available.

34. **The Chair** said that Committee members might wish to put all of their questions to the delegation at the present meeting in order to allow the delegation to consult with its national authorities overnight concerning the State party's replies. Should the delegation have to refer back to its capital concerning any follow-up questions, that fact would be reflected in the Committee's concluding observations.

35. **Mr. Estrada Román** (Nicaragua) said that the presence of his delegation before the Committee reflected not only the State party's desire to comply with its obligations under the Convention but also an expression of its political will to begin a dialogue with the Committee that was not limited to the present meeting. Although he might not be able to answer all the Committee's questions, with the help of his Government, he would be able to answer the most important ones in as transparent a fashion as possible.

36. **The Chair** said that, if he heard no objection, he would take it that the Committee wished to follow the precedent set by the Committee's consideration of the initial report of Ghana at its twenty-first session.

37. *It was so decided.*

38. **Ms. Dzumhur** requested information on the functioning, general effectiveness and financial and operational independence of the Office of the Human Rights Advocate. She asked whether the Office had been accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and whether the delegation could provide details regarding access to assistance from the Public Defender Service for persons requiring legal aid. She asked for information on the level of presence of the Nicaraguan diplomatic service in Costa Rica and the United States and whether Nicaragua had concluded bilateral agreements with those two destination countries. If it had not, she would welcome an explanation as to why not. She wished to know what factors were responsible for the increase in the number of sexual abuse offences in Nicaragua.

39. **Mr. Ceriani Cernadas** said that he would appreciate receiving information on the institutional framework that had been set up to implement the national migration policy and give effect to the rights protected by national legislation and the Convention. In that connection, he asked whether an inter-agency mechanism had been established to coordinate the myriad issues relating to migration, including entry, movement, exit, labour rights, health, housing, employment conditions, family reunification and the protection of women migrants.

40. In light of reports that one of the responses to overcrowding in migrant detention centres had been to expedite expulsion procedures, he asked to what extent the foreign nationals held in such centres had been ensured the enjoyment of procedural guarantees

during those expedited procedures. He asked whether any measures had been taken by the national authorities to assist migrants and asylum seekers who were fleeing violence in countries to the north of Nicaragua and who were either residing in Nicaragua or in transit through it on their way South to Costa Rica or Panama.

41. He asked whether mechanisms had been set up to encourage dialogue and active cooperation between the State and civil society actors engaged in efforts to protect the rights of Nicaraguan migrants abroad and those of foreign migrants and asylum seekers residing in Nicaragua. The delegation should provide information on the alleged refusal of humanitarian organizations to assist migrants who were blocked at the southern border of Nicaragua.

42. **Mr. Ünver** asked what measures the national authorities had taken to maintain contact with Nicaraguan nationals residing abroad and to encourage them to participate in Nicaraguan political life.

43. **Ms. Castellanos Delgado** asked whether any public policies on remittances sent by Nicaraguan citizens living abroad had been put in place and whether any measures had been taken to instruct migrant workers about the importance of such contributions to the development of Nicaragua as a whole.

44. **Ms. Landázuri de Mora** asked how many Nicaraguan nationals residing in the United States had been granted "Temporary Protected Status" by the authorities of that country since the launching of the initiative; how many Nicaraguan citizens currently held that status; and what were the positive and negative aspects of possessing a temporary protected status designation in the United States.

45. **The Chair**, speaking as a member of the Committee, asked which specific authority in Nicaragua was responsible for overseeing the implementation of the Convention.

The meeting rose at 5.30 p.m.

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
Twenty-fifth session

Summary record of the 332nd meeting
Held at the Palais des Nations, Geneva, on Thursday, 1 September 2016, at 10 a.m.

Chair: Mr. Brillantes

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 73 of the Convention (*continued*)

Initial report of Nicaragua (continued) (CMW/C/NIC/QPR/1; and text distributed in the meeting room in Spanish only)

1. *At the invitation of the Chair, the delegation of Nicaragua took places at the Committee table.*

2. **Mr. Estrada Román** (Nicaragua), replying to questions raised at the previous meeting, said that, unlike the practice adopted in other countries, Nicaraguan legislation did not criminalize non-documented migration. Instead, the Migration and Immigration Act contained wide-ranging provisions with a view to, inter alia, facilitating the issuance of humanitarian visas, expediting the return of Nicaraguan child and adolescent migrants and assisting victims of trafficking. The Act also regulated the detention of migrants with irregular immigration status and defined a regularization procedure that was to be completed within a period of 30 days.

3. A foreign migrant was considered to be in an irregular situation when he or she entered the country clandestinely, presented a false passport or visa, remained in the country past the expiry of his or her lawful stay in the country, was a wanted criminal or had been apprehended by the relevant authorities when attempting to leave the country through unauthorized points.

4. Migrants suspected of being in an irregular situation were transferred by the police or migration authorities to the national migrants' shelter, which was run by the Directorate General of Migration and Immigration, until such time as their status could be determined. If their unlawful status was confirmed, they received a deportation notice that was substantiated and issued on the basis of an administrative decision, and their diplomatic or consular officials were notified. The shelter accommodated only non-documented foreign migrants and provided them with basic comforts, personal hygiene kits and free medical care, as well as access to interpreters free of charge. Vast improvements had been made to the facility since 2007, in spite of enormous budgetary constraints, with support from the Office of the United Nations High Commissioner for Refugees (UNHCR). Migrants whose immigration status was regularized by means of documents issued by the Director General of Migration and Immigration were permitted to leave the shelters.

5. While Nicaragua had one of the best security situations in Latin America, the root cause of Nicaraguan emigration was poverty: the country was the second poorest in Latin America. With that in mind, the Government had placed a priority on developing and implementing policies aimed at improving the economic, social and cultural rights of its citizens. A social welfare programme had been introduced with a view to improving food security, health, education and housing, thereby reducing the rampant poverty and inequality that plagued the country and eliminating the primary reason for migration. In fact, in 2013, Nicaragua had been commended by the Director-General of the Food and Agriculture Organization (FAO) of the United Nations for its efforts to reduce food insecurity and malnutrition, and the number of families living in poverty or extreme poverty had also been reduced significantly. Despite the fact that the proportion of Nicaraguan migrants in 2015 had fallen by 3 per cent, there had been an upsurge in the number of foreign migrants transiting through its territory, with more than 4 million migrant crossings in 2015.

6. Regarding allegations that Nicaragua had refused entry to thousands of Cuban migrants crossing its border from Costa Rica, he pointed out that, when it had been informed of that migratory influx, the Government of Nicaragua had immediately called for

an urgent meeting with the heads of State of Costa Rica and other affected Central American countries in an effort to coordinate a solution. The armed forces had been ordered to scale-up their presence at the border as a means of ensuring that those migrants did not fall victim to transnational organized crime or to human trafficking. In solidarity with Cuba, Nicaragua had urged the United States of America to change its discriminatory migration policy, which was the root cause of the issue, since it incentivized Cuban migrants to risk life and limb to travel to the United States, caused dangerously large migration flows and placed unsustainable demands on the infrastructure of several Central American countries. Priority should be given to more orderly, safe and legal migration that safeguarded the rights and physical integrity of Cuban migrants.

7. In response to the large number of persons seeking asylum in Nicaragua as a result of ongoing conflicts in other Central American countries, the National Commission on Refugees had been established, and legislation on the protection of refugees had been enacted. The provisions of the Refugee Protection Act drew inspiration from the rights and definitions set out in the 1951 Convention relating to the Status of Refugees, while the Commission was responsible for issuing decisions to grant or deny refugee status to asylum seekers.

8. Regarding the disappearances of Nicaraguan migrants abroad, most notably in Mexico, the Government of Nicaragua had taken action to assist Mexican authorities in the identification of human remains and to provide families with information and access to justice. A raft of new legislation, including laws on trafficking, organized transnational crime and violence against women, had been introduced between 2010 and 2015 so as to establish the necessary legal framework to prevent and combat trafficking in persons. Nicaragua was also part of a Central American coalition that was working to combat such trafficking. A shelter for victims had been set up in Managua, and a strategic plan had been formulated to foster the harmonization of regional mechanisms for tackling the phenomenon.

9. The *Amparo* Act provided for the establishment of administrative mechanisms whereby decisions taken by the Ministry of the Interior to expel migrants in an irregular situation could be challenged. In addition to the usual border protection methods, as practised by all States in the world, some points along the frontiers of Nicaragua had been reinforced with the presence of the military, particularly to combat drug trafficking and in order to protect public security and stability, which was one of the Government's fundamental objectives. In order to ensure that human rights were protected, the Office of the Human Rights Advocate was intensifying the training it provided to members of the police and armed forces and officials of the Directorate of Migration and Immigration.

10. In the course of 2015, 290 Nicaraguan nationals had been repatriated following deportation from the United States. Upon arrival in Nicaragua, such persons were offered medical support and financial assistance to return to their places of origin in the country. Although the number of persons repatriated in that way was low in comparison with other countries, the authorities were doing everything possible to engage with the United States Government in order to understand the reason behind the deportations.

11. Remittances sent by migrant workers were an important and growing feature of the national economy. In March 2013, the Central Bank of Nicaragua had begun issuing quarterly reports containing statistics on such remittances, disaggregated by market sector, geographical area and other factors. That information, which was gathered from money transfer agencies and commercial banks and was processed thanks to support from international organizations such as the International Monetary Fund, was helpful in determining public policy.

12. **Mr. Vargas Rojas** (Nicaragua) said that the State's consular offices offered various services to Nicaraguans abroad, including the issue of travel and identity documents; the registration of births, deaths and marriages; and the provision notary services. Consulates also worked to protect the human rights of Nicaraguan migrants, including those in both regular and irregular situations. Due to budgetary constraints, there was no officially funded programme for the repatriation of the remains of Nicaraguans who had died abroad, particularly in view of the fact that the national custom was for the burial rather than the cremation of deceased persons, which significantly increased the cost of such repatriations. Nonetheless, consular officials did everything in their power to provide support to bereaved families, also acting as intermediaries between them and the local authorities and civil society organizations.

13. Nicaraguan citizens detained abroad received visits from local Nicaraguan consular officials. Such officials received training in handling cases of human trafficking and coordinating with local authorities in such cases. Consular offices also maintained ties with informal groups of Nicaraguan citizens abroad and supported cultural activities such as the celebration of national and religious festivals.

14. At the beginning of 2016, the coordination of consular services had been transferred from the Ministry of Foreign Affairs to the Ministry of the Interior. The purpose of the change had been to maximize the use of financial and human resources and take into account the fact that the Ministry of the Interior was responsible for the issue of passports. Although national legislation gave all Nicaraguans, including those abroad, the right to vote, the mechanisms necessary to give effect to that right were extremely complex, and no political grouping or party had yet sought to activate them.

15. **Mr. Estrada Román** (Nicaragua) said that his own experience in consular service had led him to believe that the most important quality for an official to have was an ability to understand the needs of others in order to show empathy and solidarity.

16. **Mr. Ceriani Cernadas** said that, whatever terminology the State party chose to use to describe migrant for holding centres, if persons were held in a place that they were not free to leave, then they were in detention. The Committee's view was that the detention of migrants who were in an irregular situation was a measure to be used only in exceptional circumstances and as a last resort, and he wished to know what alternatives to detention were available. He wondered whether a decision to place a migrant in detention could be challenged before the courts and, if so, whether the person concerned remained in detention while his or her case was being considered. The delegation should confirm the veracity of reports to the effect that persons subject to expulsion had to pay their own transport costs as well as a fine. What happened in cases where they were unable to defray that expense?

17. Without wishing to enter into the political considerations that had led the State party to increase security along its borders, he recalled that the Committee was concerned about the protection of persons in situations of vulnerability, and in its experience, such measures could lead to less security for migrants, particularly those in an irregular situation who might be forced into the hands of traffickers. The delegation should comment on those security measures and explain whether and how they improved the security of migrants. Lastly, he asked whether Nicaraguans who were returned from the United States were deprived of their liberty at any stage and whether the effectiveness of regional migration processes had been evaluated.

18. **Ms. Dzumhur** said that she had not received replies to the questions she had asked at the previous meeting concerning the Office of the Human Rights Advocate, the Public Defender Service, bilateral agreements with Costa Rica and the United States and cases of sexual violence. She also wished to know what measures had been taken to promote gender

equality in daily life and whether Nicaragua intended to ratify the United Nations human rights conventions to which it was not yet a party.

19. **Ms. Landázuri de Mora** said that the State party's achievements in terms of improving public safety were admirable and set a positive example for other countries in the region. It was important for the State party to take steps to disseminate the Convention widely. She asked whether any bilateral agreements had been concluded to protect the labour rights of Nicaraguans employed in Costa Rica and would appreciate receiving information on migration agreements concluded with other Central American countries.

20. **Mr. El-Boral** said that, while he would normally enquire about legal aspects related to the implementation of the Convention, the generality of the dialogue with the delegation had precluded him from doing so — a situation not helped by the fact that the State party's report had been submitted late. He hoped that the State party's next report would be submitted on time and that, when presenting it, the delegation would be prepared to provide more substantive replies to the questions put by Committee members.

21. **Mr. Núñez-Melgar Maguiña** said he wished to have more detailed information on a number of matters. It would be useful to know what measures were in place to support Nicaraguan victims of human rights violations abroad; whether cross-cutting policies had been developed to prevent human trafficking and provide assistance to victims; whether the Government was cooperating with neighbouring countries and private companies to facilitate the return of migrant workers; what was being done to protect vulnerable returnees and to promote their economic and social reintegration; how the flow of remittances into Nicaragua was facilitated and whether its impact on the economy had been gauged; and what measures had been adopted with regard to labour dispute prevention and resolution.

The meeting was suspended at 11.45 a.m. and resumed at 12.10 p.m.

22. **Mr. Estrada Román** (Nicaragua) said that Nicaragua wished to exercise its right to respond to the questions put to it by the Committee at a later date.

23. **Mr. Ceriani Cernadas** said that, while it was not ideal for answers to be given at a later date, the receipt of additional information was always welcome; without it, the Committee could not contribute in the best manner to ensuring respect for the rights of migrant workers.

24. **Mr. Núñez-Melgar Maguiña** said that States parties needed to take account of the multiple dimensions and causes of migration and of the fact that human rights were a cross-cutting issue, thus demanding a certain amount of effort from Governments when preparing their reports. Those reports were not intended to serve as a tool of control but rather, among other things, as an aid to the Committee in preparing its concluding observations. The concluding observations, in turn, were intended to help States parties comply fully with the Convention. In light of the circumstances, he suggested that the State party should submit a fresh report to the Committee.

25. **Ms. Castellanos Delgado** congratulated the members of the delegation for their efforts, despite the fact that they had not been provided with the resources needed to respond to the Committee's questions properly. The Committee nevertheless needed the State party's input, and she hoped that the delegation would convey to its capital the Committee's interest in helping the State party on the basis of an exchange concerning what had and had not worked in its efforts to implement the Convention.

26. **The Chair** said that the Committee would expect to receive all of the State party's replies to the outstanding questions in due course, bearing in mind that States parties needing additional time to reply to questions raised by the Committee during the interactive dialogue were expected to provide their answers within 48 hours of the conclusion of the

consideration of their report in order to allow enough time for the Committee to take that information into account in its concluding observations.

27. **Mr. Estrada Román** (Nicaragua), thanking Committee members for their questions and comments, said that his delegation's participation in the dialogue with the Committee had been on orders from the President of Nicaragua. Although some Committee members had pointed to shortcomings in that participation, he wished to reiterate his Government's desire to fulfil the State's obligations under the Convention, as evidenced by its political will to launch a preliminary dialogue with the Committee. With regard to the 48-hour deadline, he would like to know the specific rule of procedure that provided for it, as his delegation could find no evidence of the existence of such a rule.

28. **Mr. Smith** (Secretary of the Committee) said that the 48-hour deadline was not a rule of procedure but rather a practice of the Committee. As a courtesy, delegations were allowed 48 hours — often less, depending on the circumstances — to provide the Committee with additional information. The secretariat was subject to its own time constraints, and the Committee had to prepare concluding observations before the end of its current session. He recalled that a notice regarding that procedure had been sent to the State party prior to the start of the session.

29. **Mr. Estrada Román** (Nicaragua) said that, in light of the fact that the 48-hour time limit was not a rule but merely a practice and that the State party was not bound by the secretariat's practices but rather by those pertaining to States, his delegation reserved the right to submit its replies at the convenience of the Nicaraguan Government, which it would do within a reasonable time period between the Committee's sessions.

30. **Mr. Tall**, speaking on a point of order, said that discussions concerning the Committee's working methods should take place, not in a public meeting with a State party, but rather in a closed meeting of the Committee.

31. **Mr. Ceriani Cernadas** said that the priorities of both the State party and the Committee, as a United Nations body, must be to meet their commitments and assume their responsibilities for improving the situation of the vulnerable persons covered by the Convention. That required a constructive and respectful dialogue. Although it was true that the State party had no legal obligation to submit its additional replies within 48 hours, the Committee nevertheless had to prepare its concluding observations on its consideration of the initial report of Nicaragua, and if additional information was not received in time from the State party, the Committee would have less information on which to base those conclusions.

32. **Ms. Dzumhur** said that the State party had failed to meet its international obligations under the Convention, and the delegation that it had sent to participate in the interactive dialogue lacked the requisite technical expertise. Given that the Committee had nevertheless met with the delegation and had given it time to consult with the Nicaraguan authorities in Managua, the delegation should, in return, acknowledge its own responsibility for its situation and take advantage of the opportunity it had been provided to engage in dialogue with the Committee.

33. **Mr. Núñez-Melgar Maguiña** said that the entire framework of international relations was dependent on dialogue, which was necessary for enhancing understanding. When States acceded to the Convention, they did so voluntarily; in so doing, however, they also voluntarily ceded a portion of their sovereignty, given the supranational nature of multilateral treaties. The Committee's role was to help States parties comply with their obligations under the Convention, and participation in the dialogue with the Committee on the State party's report was part of that compliance.

34. The Committee's practice of allowing for the transmittal of additional information following an interactive dialogue was a goodwill gesture, since it could easily decide to draft its concluding observations solely on the basis of the report it had received or even in the absence of a report. It was therefore up to the State party to decide whether or not to take advantage of the 48-hour grace period.

35. **The Chair** thanked the delegation for its replies and said that the Committee looked forward to continuing its dialogue with Nicaragua and to receiving its next periodic report.

The meeting rose at 12.55 p.m.

United Nations CMW/C/SR.333

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Distr.: General
13 September 2016

Original: English

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
Twenty-fifth session

Summary record (partial)* of the 333rd meeting
Held at the Palais Wilson, Geneva, on Thursday, 1 September 2016, at 3 p.m.

Chair: Ms. Dzumhur (Vice-Chair)

Contents

Consideration of reports submitted by States parties under article 73 of the Convention (*continued*)

Second periodic report of Sri Lanka

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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The discussion covered in the summary record began at 3.20 p.m.

Consideration of reports submitted by States parties under article 73 of the Convention (*continued*)

Second periodic report of Sri Lanka (CMW/C/LKA/2; CMW/C/LKA/QPR/2)

1. *At the invitation of the Chairperson, the delegation of Sri Lanka took places at the Committee table.*

2. **Mr. Aryasinha** (Sri Lanka), introducing the second periodic report of Sri Lanka (CMW/C/LKA/2), said that his Government had engaged in inclusive consultations with various stakeholders, including the Human Rights Commission of Sri Lanka, when preparing the report. He was pleased to announce that Sri Lanka had recently withdrawn its reservation to article 29 of the Convention, to which it had acceded 20 years earlier. His Government joined the Committee in calling on States that had not yet done so to consider becoming parties to the Convention.

3. Following the standing invitation extended in December 2015 to all thematic special procedures mandate holders, a number of Special Rapporteurs had already undertaken visits to Sri Lanka, including the Special Rapporteur on the human rights of migrants, with whom the Government had jointly hosted a workshop on recruitment practices. His Government had taken a policy decision to resume its practice of cooperating with the Human Rights Committee by responding to new communications from that Committee and by providing written explanations or statements clarifying the matters referred to in the communications and the remedies taken, if any. Sri Lanka had recently reported, or would soon report, to several other human rights treaty bodies, and it had also recently become a party to a number of international human rights and labour-related instruments, including the International Labour Organization (ILO) Employment Policy Convention, 1964 (No. 122). Those measures demonstrated his Government's will to cooperate with international organizations and mechanisms.

4. Outbound migration was not a new phenomenon in Sri Lanka. From the 1950s to the 1970s there had been a so-called brain drain as professionals migrated to developed countries. The internal armed conflict had prompted another wave of migration, including labour migration. Sri Lanka had largely remained a sending country for migrant labour. Current labour migration was mostly to member States of the Gulf Cooperation Council. Lack of employment opportunities in Sri Lanka continued to cause many women to seek employment as domestic workers in those States, although recent government initiatives had somewhat helped to reduce the number of women who were dependent on such work. Remittances from migrant labourers contributed significantly to the country's economy.

5. Over the years, Sri Lanka had put in place the necessary legal, institutional and socioeconomic safeguards to address issues related to migration. Those safeguards were contained in, inter alia, the Constitution, the Right to Information Act, and the national immigration and emigration legislation. Media freedom had been restored, and all local and foreign journalists were free to travel anywhere in the country without restriction. The National Human Rights Commission had been empowered with a broad mandate to guarantee fundamental human rights, including those of migrants, and had set up a focal point on migrant issues.

6. The democratic space for the private sector and civil society to engage with the State had broadened since 2015. Consultations with civil society had played an important role in shaping the Government's ongoing reform agenda. The Bureau of Foreign Employment worked in cooperation with civil society organizations to address issues related to migrant workers and their families.

7. **Mr. Witanage** (Sri Lanka) said that his Government had undertaken several measures to bring national legislation into line with the Convention. A new piece of legislation, the Employment Migration Authority Act, would replace the Sri Lanka Bureau of Foreign Employment Act and provide a more overarching role for the Bureau in various sectors. Civil society and other stakeholders would have the opportunity to comment on the new draft legislation before it was submitted to Parliament. The Bureau operated a local Workers' Welfare Fund and an overseas Workers' Welfare Fund. The Government made every effort to protect the rights and provide for the welfare of migrant workers prior to their departure, during their employment period and upon their return. It offered, inter alia, educational scholarships for children of migrant workers, vocational training scholarships for school leavers, and low-interest loan facilities for housing. In 2015, a total of 3,351 scholarships had been awarded. During their period of employment abroad, Sri Lankan migrant workers were covered by an insurance scheme offered by the Foreign Employment Bureau.

8. Under a migrant protection programme known as *Shramika Surekuma*, the Government would establish a comprehensive database on migrant workers and their protection needs. The *Sahana Piyasa* migrant assistance centre, located near the international airport, provided assistance to returning migrant workers. The Government had pledged to introduce a pension scheme for those employed overseas and to start a special protection programme for the families of migrant workers. The National Migration Health Policy had been launched in 2012 in recognition of the right to health of both inbound and outbound migrants and their family members. Sri Lanka would soon host the second Global Consultation on Migrant Health.

9. The Ministry of Foreign Employment had established mechanisms for monitoring and reporting back on the implementation of the National Labour Migration Policy. Implementation was monitored and evaluated by the National Advisory Committee on Labour Migration, which met every three months and comprised all key stakeholders, including government institutions, non-governmental organizations (NGOs) and the private sector. The Ministry of Foreign Employment worked with a number of civil society partners to implement the National Labour Migration Policy, including through training for migration officials and awareness-raising programmes for migrant workers and their families.

10. In 2013, the Ministry of Foreign Employment had issued a circular setting restrictions on mothers with children under 5 years of age who wished to take up employment overseas. A family background report was requested from mothers who sought approval to migrate. That practice was currently being re-examined by the Cabinet of Ministers, however.

11. **Mr. Wijeratne** (Sri Lanka) said that the Government had committed to adopting a national human rights action plan for the period 2017 to 2021. An interministerial committee had been tasked with drafting the action plan and would be assisted by drafting committees working on various thematic areas. The drafting committee on the rights of migrant workers would cover a range of issues relevant to the Convention. The matter was also being discussed by the National Advisory Committee on Labour Migration. His Government would be in a better position to consider recognizing the Committee's competence to consider communications, as provided under articles 76 and 77 of the Convention, once a sufficient number of labour-receiving countries had become parties to the Convention, which he hoped would happen in the very near future.

12. Sri Lanka had taken a number of measures to protect the rights of its nationals outside the country through its extensive consular services network. The Consular Affairs Division of the Ministry of Foreign Affairs assisted Sri Lankan migrant workers abroad with matters relating, inter alia, to compensation and working conditions; registration of

births, marriages and deaths; authentication of documents; and repatriation. In order to ensure better working conditions for Sri Lankan migrant workers, Sri Lanka had entered into bilateral agreements with a number of countries, including several member States of the Gulf Cooperation Council. The lack of labour laws covering domestic workers in some destination countries, however, made it difficult to prevent the abuse and exploitation of those vulnerable workers. Intensified advocacy efforts and campaigns by the international community and civil society to encourage destination countries to take protective legal and administrative measures to protect domestic workers' rights would help to address the issue. The Kuwait Trade Union Federation had called for an end to the *kafala* system and for the enactment of legislation regulating workers' rights in the private sector. Some Gulf and Asian countries had agreed that they should improve labour law protection, reform immigration policies and increase dialogue with trade unions and non-governmental groups.

13. **Ms. Jayasuriya** (Sri Lanka) said that Sri Lanka was working in partnership with other Asian labour-sending countries through the Colombo Process, a voluntary regional consultation mechanism launched in 2003. Under the chairmanship of Sri Lanka, a road map had been developed in five areas of mutual interest to the member countries, namely: the development of qualification recognition processes, ethical labour recruitment practices, pre-departure orientation and empowerment, transfer of remittances, and tracking of labour market trends. The results had generated considerable interest among labour-receiving countries at forums such as the Abu Dhabi Dialogue, and had led to the emergence of several initiatives, such as a pilot skills certification programme and the development of training guides for pre-departure orientation. In the area of remittances, the Colombo Process would work towards the achievement of the Sustainable Development Goal 10 target of reducing transaction costs to 3 per cent or less and would promote financial education for migrant workers and their families. Sri Lanka had been invited to chair the Abu Dhabi Dialogue and in that capacity would continue working to improve the lives of Asian migrant workers.

14. Although traditionally a labour-sending country, Sri Lanka was now experiencing modest inward migration. It was not a party to the Convention relating to the Status of Refugees, but was working with the Office of the United Nations High Commissioner for Refugees to ensure the welfare of those migrants. The Government had decided not to repatriate asylum seekers and refugees, although it would apply domestic immigration laws to those who infringed them.

15. **Ms. Ladjel** (Country Rapporteur) said that the Committee would welcome information on the steps taken to disseminate the Committee's concluding observations on the State party's initial report (CMW/C/LKA/CO/1) and on the stakeholders that had been involved in drafting its second report. She would also like more information on the National Anti-Human Trafficking Task Force established in 2010 to combat trafficking in persons, including its main areas of activity and the outcomes of its work. Further details regarding the impact of the National Action Plan for the Protection and Promotion of Human Rights 2011-2016 and its impact would also be appreciated.

16. She wondered if the delegation could provide statistics on the number of Sri Lankans working abroad and the number of foreign nationals working in Sri Lanka, disaggregated by sex and by area of activity. She would be interested in hearing the delegation's assessment of the effectiveness of the mechanisms for lodging complaints against employment agencies that broke the law or acted in a manner that restricted migrant workers' rights. She would also like to hear about any plans to establish additional complaints mechanisms.

17. Recalling the case of Rizana Nafeek, who at the age of 16 had used false papers to obtain work in Saudi Arabia and had paid a heavy price, she asked what steps the State party had taken to prevent document falsification. She would welcome figures on the

number, status and qualifications of female migrant workers, along with information on women in situations of vulnerability, women who had been detained and women who had lost their lives while abroad. She would also like information on whether women migrants whose rights had been violated had obtained redress. Lastly, she asked whether the State planned to carry out any research on the living conditions of migrant women and their families and whether mechanisms were in place to protect children whose parents had migrated. For example, did Sri Lanka have a national children's code or a national strategy for the protection of children?

18. **Mr. Brillantes** (Country Rapporteur) said that he would be interested to learn about the actions that Sri Lanka had taken in response to the report of the Special Rapporteur on the human rights of migrants (A/HRC/29/36/Add.1), which had contained both positive and critical findings. He wished to know, in particular, whether the State party had implemented the Special Rapporteur's recommendations in relation to the banning of recruitment fees in accordance with the ILO Private Employment Agencies Convention, 1997 (No. 181), the employment of female officers by diplomatic missions to deal with cases of sexual abuse, the effective reintegration of returning migrants, and the performance of independent autopsies on the remains of migrants who died abroad.

19. He concurred with the Special Rapporteur's view that, by ratifying the ILO Domestic Workers' Convention, 2011 (No. 189), Sri Lanka would be in a better position to negotiate for the protection of its workers abroad and would welcome information on any progress made in that direction. He would also like to know whether the State intended to ratify the ILO Migration for Employment Convention (Revised), 1949 (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). He wondered whether the State party had taken any steps to decriminalize irregular departures and classify irregular migration as an administrative offence, as recommended by the Special Rapporteur. He would also like to hear the delegation's reaction to the Special Rapporteur's observation that there was no law protecting the fundamental rights of migrants in Sri Lanka.

20. Information on how the State party had responded to the Committee's previous concluding observations would be appreciated. In particular, he wished to know to what extent the Committee's recommendations had been implemented. The delegation had stated that the National Human Rights Commission had been consulted in the preparation of the State party's second periodic report; however, the Committee had been advised that that was not the case. Could the delegation provide clarification in that regard?

21. The wealth of information that the Committee had received from United Nations institutions and from civil society organizations was a testament to the prominent role of Sri Lanka in the protection of migrant workers and members of their families. However, many of the reports received had raised concerns over the family background report, which had been criticized for restricting women's rights. The Committee would appreciate further comment from the delegation in that regard. It would also be grateful if the delegation would respond to the assertion by certain civil society organizations that the second periodic report was lacking in information on foreign workers in Sri Lanka. Lastly, the Committee would be grateful for clarification of whether Sri Lanka had taken any steps towards making the declarations provided for under articles 76 and 77 of the Convention.

22. **Mr. Ceriani Cernadas** said that the Committee had been informed that some members of the Board of Directors of the Sri Lanka Foreign Employment Agency also worked for recruitment agencies, which could give rise to conflicts of interest with regard to monitoring and supervision of the activities of such agencies. Given the large number of Sri Lankan women working abroad, it was surprising that the Board should only have one woman member. Furthermore, there were no representatives of trade unions or of organizations of Sri Lankan migrant workers sitting on the Board. The Committee had also

been informed that the current Sri Lankan ambassador to Saudi Arabia had been linked to private recruitment agencies, which might raise some concerns, given the importance of Saudi Arabia as a destination country for Sri Lankan workers. He wondered whether that had been taken into account in the vetting process carried out prior to the ambassador's appointment.

23. He asked whether there was any data to indicate that recent restrictions on the legal emigration of mothers with young children might have led to a rise in irregular emigration within that population group. He would also like to know whether the Immigrants and Emigrants Act had been aligned with articles 16 and 17 of the Convention and amended to include alternatives to deprivation of liberty in cases relating to migration status. Information on the circumstances which, in the eyes of the competent national authority, justified deprivation of liberty and on allegations that children of foreign migrants and their families had been deprived of their liberty would be welcome. He requested details on the periods of time for which migrant families involved in migration proceedings were detained and the grounds for such detention and asked whether it was true that there had been cases in which children of migrants had been held in detention with their parents for up to two years, as stated in the report of the Special Rapporteur on the human rights of migrants.

24. It would be interesting to know whether, within the framework of the Abu Dhabi Dialogue, the Colombo Process, or any other regional forum, proposals had been put forward for a common approach to the integration into domestic legislation of the provisions of the Convention and of other international instruments, such as the Convention on the Rights of the Child. Information on the application of the legislation criminalizing irregular migration would also be welcome. The Committee had received reports indicating that Sri Lankan nationals returned from Australia and other countries had been handed over to the Sri Lankan police. He would like to know whether those reports were true. He would also like to know whether a bilateral agreement had been signed with Australia safeguarding the rights of Sri Lankan migrant workers and their families in accordance with the Convention and ensuring that they enjoyed consular assistance, protection from arbitrary expulsion, due process as a part of migration proceedings and the right to seek asylum.

25. He would appreciate information on whether an official mechanism had been put in place allowing for consultation and dialogue with organizations of migrants, both in Sri Lanka and in countries of destination, in relation to migration policy. He also invited the delegation to comment on allegations that requests for Sri Lankan visas from members of organizations for the protection of migrants' rights had been refused and that they had been placed on a watch list. Lastly, he wondered whether any initiatives had been launched to safeguard the voting rights of Sri Lankan nationals resident abroad.

26. **Mr. Tall** said that it would be useful to have more information on the results of the implementation of the National Policy on Labour Migration, on any obstacles encountered in that regard and on any instances in which the Convention had been invoked before the domestic courts or administrative bodies. The Committee would welcome specific examples of how the State party met the obligations arising from the Convention. He therefore invited the delegation to describe the actions taken by the Government to assist migrant workers and to explain how domestic legislation was implemented in keeping with the provisions of the Convention. He would also like to hear what had been done to protect the rights of children of foreign migrants in Sri Lanka with regard to civil registration, education and basic health care.

27. He would like to know what practical measures the State party had taken to ensure that Sri Lankan migrant workers and members of their families resident in Qatar enjoyed their fundamental rights, including their right to due process, a fair trial and proper access to a judge. It would also be useful to know how the State informed its nationals of the

consular services available to them, including assistance in cases of expulsion, detention or non-payment of wages; of their rights under the Convention; and of their rights and obligations in their country of destination. He would appreciate further information, as well, on how the State dealt with irregular emigration. Information on measures taken to facilitate the transfer of wages by migrant workers and on any taxes imposed on such transfers would also be welcome.

28. **Mr. El-Boral**, noting with appreciation that Sri Lanka had participated in the preparation of the Convention and fulfilled its reporting obligations in a timely manner, said that he would like further information on the situation of Sri Lankan migrant workers resident in the Arab Gulf States. In particular, he wondered whether they had been affected by falling oil prices. He would also like to know whether any discussions on the *kafeel* (sponsor) system, wage equality between workers from different countries and family reunification were taking place in the context of the Abu Dhabi Dialogue.

29. **Mr. El Jamri** asked whether the labour-sending countries participating in the Abu Dhabi Dialogue and the Colombo Process had held any prior consultations in order to establish a common approach to the various problems affecting migrant workers and whether those regional forums had yielded any major progress on issues such as the *kafeel* system. Migrant workers in some destination countries were subjected to what amounted to a form of apartheid, in which they were denied entry to shopping centres and public parks, for example. He wondered whether the labour-sending countries had raised that issue with labour-receiving countries. He would also like to know whether the discussions held within the framework of the Dialogue and the Process had covered migrant workers not nationals of the countries represented at those events, whether migrant workers had been informed of the commitments relating to their rights made as a part of the Abu Dhabi Dialogue and whether a follow-up mechanism had been set up to monitor developments in relation to the matters discussed. Lastly, he asked whether the State party had established any links with trade union organizations as a part of its efforts to protect Sri Lankan workers residing abroad.

30. **Mr. Ünver** asked what measures had been taken by State and civil society bodies to rebuild links with Sri Lankans who had left the country during the internal conflict and to encourage their participation in national political life.

The meeting was suspended at 5 p.m. and resumed at 5.25 p.m.

31. **Mr. Wijeratne** (Sri Lanka) said that, in advance of the preparation of the report, a meeting had been held at the Ministry of Foreign Affairs to which representatives of the National Human Rights Commission of Sri Lanka had been invited, as had representatives of the Ministry of Foreign Employment, the Sri Lanka Bureau of Foreign Employment, the Ministry of Justice, the Ministry of Women and Child Affairs, the National Child Protection Authority and the Department of Immigration and Emigration. Reports that the National Human Rights Commission had not been invited to participate in the meeting were inaccurate.

32. The National Anti-Human Trafficking Task Force, which involved various ministries, had developed a plan for the period from 2015 to 2019 to monitor and combat human trafficking in Sri Lanka. The Task Force, with technical assistance from the International Organization for Migration, had developed a standard operating procedure to improve the identification and protection of victims of human trafficking and had established a government shelter, with fully trained staff, for female victims of trafficking. Procuration for sexual exploitation had been incorporated into the definition of human trafficking in the Penal Code. Persons convicted of the offence of procuration were sentenced to imprisonment for 2 to 10 years.

33. Mechanisms had been put in place to distinguish simple employment disputes from cases of trafficking in migrant workers. The Bureau of Foreign Employment was responsible for handling complaints submitted by migrant workers and, if there was reason to believe that the events described in a particular complaint amounted to trafficking, the matter was immediately referred to the appropriate authorities. The Government had used that mechanism to take legal action against Sri Lankans involved in the Rizana Nafeek case. The Bureau of Foreign Employment had established an internal unit to combat human trafficking. By March 2017, the National Anti-Human Trafficking Task Force was expected to have taken steps, inter alia, to improve the investigation and prosecution of suspected traffickers and the conviction and punishment of offenders, train officials on victim identification and referral procedures, ensure that victims received specialized care services, promote safe and legal migration, raise awareness of human trafficking, take action against officials complicit in human trafficking and complete legal proceedings with regard to pending cases involving recruitment agencies.

34. The Government had entered into readmission agreements with a number of European Union member countries and, with the support of bilateral partners and the International Organization for Migration, was implementing assisted voluntary return and reintegration programmes. Those programmes played an important role in the provision of assistance to vulnerable Sri Lankan migrants and their families wishing to return to Sri Lanka. A coordinating committee on readmission had been established to negotiate readmission agreements between Sri Lanka and other countries, oversee the implementation of existing readmission agreements and function as the focal point for all issues related to readmission.

35. The Government had made a voluntary commitment to introduce a national human rights action plan covering the period from 2017 to 2021. The possibility of ratifying the ILO Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the Domestic Workers Convention, 2011 (No. 189), would be considered in that context. The provisions of the Convention had been integrated into various domestic laws, and consideration was also being given to enacting legislation that would give legal effect to the Convention as a whole.

36. With regard to reports that the bodies of Sri Lankan migrants who had died abroad were sometimes found to have been mutilated, he explained that organs were sometimes removed from dead bodies in the course of an autopsy, which was required by law in some countries. The Government had investigated allegations of organ harvesting from migrant workers and found them to be baseless. On the question raised by Mr. Ceriani Cernadas regarding denial of visas, the individual in question, who had intended to participate in a meeting of the Colombo Process, had failed to apply for a visa in time.

37. **Mr. Wanasekara** (Sri Lanka) said that migrants could file complaints against individuals and recruitment agents at the offices of the Bureau of Foreign Employment in Sri Lanka and at Sri Lankan missions in destination countries. Complaints were handled via an online complaint management system. Pursuant to the Bureau of Foreign Employment Act, No. 21 of 1985, the Bureau of Foreign Employment had the power to summon the parties concerned, conduct inquiries and grant redress as appropriate. It had a special division to deal with foreign employment disputes and also operated a call centre that received complaints. The Bureau of Foreign Employment (Amendment) Act, No. 56, adopted in 2009, had empowered the Bureau to take action against persons who falsified documents. Sri Lankan diplomatic staff members were often able to mediate disputes involving Sri Lankan migrant workers in other countries. In some countries, however, they were not allowed to deal directly with employers; in such cases, the matter had to be referred to the labour authorities of the country in question.

38. In 2007 the Cabinet of Ministers had decided to bar Sri Lankan mothers with children under the age of 5 years from migrating in search of work. To give effect to that decision, the Bureau of Foreign Employment had made it a requirement for a family background report to be drawn up on all women who applied for permission to leave the country. A mother would be refused permission to leave the country if her absence was deemed likely to place her children at risk. The Cabinet of Ministers was currently reviewing that practice. He emphasized that the Government's intention was not to restrict the rights of women, but rather to protect the rights of children.

39. The cost of recruitment for migrant workers had been considered in the framework of the Colombo Process. Under the Bureau of Foreign Employment (Amendment) Act of 2009, licensed recruitment agencies were permitted to charge a fee for actual costs incurred in the recruitment process. The Bureau of Foreign Employment determined the amount that could be charged in each case. The Bureau provided comprehensive training on recruitment practices for all newly licenced recruitment agents and could take action against those who violated the law.

40. A policy and an action plan on return and reintegration had been drawn up with technical assistance from ILO with the aim of addressing the economic, social and psychosocial needs of returning migrant workers and their families. A special unit had been established within the Bureau of Foreign Employment to implement the plan.

41. The Board of Directors of the Bureau of Foreign Employment included two women. The Bureau of Foreign Employment Act determined the Board's composition. The process of amending the Act, currently under way, would afford an opportunity to provide for civil society representation on the Board.

The meeting rose at 5.55 p.m.

United Nations CMW/C/SR.334

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
Twenty-fifth session

Summary record (partial)* of the 334th meeting
Held at the Palais des Nations, Geneva, on Friday, 2 September 2016, at 10 a.m.

Chair: Ms. Dzumhur (Vice-Chair)

Contents

Consideration of reports submitted by States parties under article 73 of the Convention (*continued*)

Second periodic report of Sri Lanka (continued)

* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 73 of the Convention (*continued*)

Second periodic report of Sri Lanka (continued) (CMW/C/LKA/QPR/2 and CMW/C/LKA/2)

1. *At the invitation of the Chair, the delegation of Sri Lanka took places at the Committee table.*

2. **Ms. Jayasuriya** (Sri Lanka) said that the 2014 visit by the Special Rapporteur on the human rights of migrants had been viewed as an important learning experience. It had highlighted existing best practices and identified areas where further effort was required. The Rapporteur had been able to meet with families of migrant workers, returned migrants and civil society organizations, and had participated in a workshop on recruitment practices organized by the Ministry of Foreign Employment. The authorities had extended full cooperation before, during and after the visit and had taken due note of the observations and recommendations contained in the Special Rapporteur's report (A/HRC/29/36/Add.1). Moreover, the Government had made migration part of its national development policy. It engaged openly and constructively with United Nations human rights treaty bodies and had extended a standing invitation to all special procedures mandate holders.

3. The Government recognized the importance of reducing recruitment fees for migrant workers and was seeking to prevent abusive practices in that regard, including through the Sri Lanka Foreign Employment Agency, which was part of the Ministry of Foreign Employment and which provided employment opportunities at a lower cost than private employment agencies. The police had intervened in a number of cases to arrest recruiters who levied arbitrary and exorbitant fees. There were, however, practical problems associated with zero-cost recruitment, and a recent symposium on the matter had concluded that it was not a practical option.

4. Some consular missions had mobile offices to facilitate access to their services by migrant workers and eight missions had safe houses staffed by female officers for migrant workers who had suffered sexual abuse. Around 30 per cent of consular officials dealing with the welfare of migrant workers were women. Issues relating to migrant workers were discussed at regular ambassadorial conferences organized by the Ministry of Foreign Affairs.

5. The Government had taken note of the recommendation that irregular migration should be considered an administrative rather than a criminal offence. In general, the authorities took action against traffickers and treated migrants who had been trafficked as victims. According to statistics of the Office of the United Nations High Commissioner for Refugees, there were currently approximately 784 refugees and 695 asylum seekers in Sri Lanka. The Government was aware of the importance of developing a nuanced and coherent national policy towards irregular immigration. The competent authority in that regard was the Department of Immigration and Emigration, which was no longer part of the Ministry of Defence, but of the Ministry of National Policies and Economic Affairs. Persons entering Sri Lanka in violation of the law could be held in detention until such time as arrangements were made for their deportation. Families with children were detained only in exceptional circumstances, where it was necessary to keep them in approved places to ensure their safety and security. Detained migrants had access to mobile phones and the Internet and were provided with free medical care.

6. **Mr. Aryasinha** (Sri Lanka) said that his Government's engagement with the Special Rapporteur had extended beyond the 2014 visit and had included meetings and dialogues on ethical recruitment practices and other topics. Since 2013, Sri Lanka had been Chair of

the Colombo Process. Under his country's leadership, the Process had continued its efforts to empower Asian migrant workers by focusing on, inter alia, qualification recognition, which helped migrants to move within the hierarchy of jobs relevant to their skills while abroad and facilitated their reintegration on their return. Another area of focus had been pre-departure orientation, which included the aspect of migration and health. The Colombo Process had also worked with States and banks to reduce the transaction costs associated with workers' remittances. Future areas of focus for the Colombo Process would include implementing the migration-related Sustainable Development Goals, promoting equality for female migrant workers and sharing best practices among member States in the field of consular services for migrant workers.

7. Improving the lot of the 45 million migrant workers from Asia in the Gulf region would require sustained and coordinated efforts on the part of many different stakeholders, including the Committee. Sri Lanka was committed to continuing those efforts in its role as Chair of the Abu Dhabi Dialogue, a mechanism that brought together both labour-sending and labour-receiving countries.

8. The Government was seeking to engage in constructive and inclusive dialogue with Sri Lankan workers overseas, acknowledging and addressing their concerns and recognizing the important role they could play in national reconciliation and development. The main institution involved was the Ministry of Foreign Affairs, which was reaching out to the Sri Lankan communities abroad that had been reluctant to engage with the Government after years of mistrust and bitterness. The Ministry had recently established a special division for Sri Lankans overseas and was currently organizing a special festival for them. If successful, the festival could become a regular annual event, which would strengthen ties with the overseas communities and enable the country to benefit from their knowledge, expertise and skills. Interaction with the overseas communities had brought to light certain practical and administrative difficulties that expatriate Sri Lankans faced in dealing with local authorities at home, and the Ministry was working to find solutions to those problems.

9. **Mr. Wijeratne** (Sri Lanka) said that the Convention received wide attention from government bodies and civil society organizations, particularly on the occasion of Human Rights Day. Public institutions had organized human rights awareness-raising campaigns that focused on the Convention and on recommendations made by the Committee. Sri Lankan media outlets also gave coverage to the Convention and to the Committee's recommendations, and reported, sometimes critically, on programmes conducted by the Sri Lanka Bureau of Foreign Employment.

10. The National Human Rights Commission of Sri Lanka took an active interest in the dissemination of information on the Convention. Some higher education institutions offered modules on the Convention and some State schools held competitions related to the promotion and protection of human rights. Given the high number of Sri Lankan migrant workers, however, the Government recognized the need to make the Convention known to a wider public.

11. The National Human Rights Action Plan 2011-2016 had identified eight key areas of action: civil and political rights; economic, social and cultural rights; the prevention of torture; the rights of internally displaced persons; labour rights; children's rights; women's rights; and the rights of migrant workers and members of their families. Challenges regarding the implementation of the Plan had stemmed from the failure to appoint a coordinating body.

12. When the current Government had taken office in January 2015, it had decided to incorporate some of the objectives and activities of the Plan into its reform agenda. As part of the fulfilment of those objectives, the Government was reviewing the Prevention of

Terrorism Act with the intention of bringing it into line with international human rights standards. Sri Lanka had become a party to the International Convention for the Protection of All Persons from Enforced Disappearance, and the Government had drawn up comprehensive implementing legislation. Moreover, the Right to Information Act had been passed and consideration was being given to the establishment of a new system to prevent sexual harassment in the workplace.

13. For the purposes of developing the National Human Rights Action Plan 2017-2021, the Government had established an interministerial committee on human rights and a steering committee comprising senior officials from relevant ministries and institutions. Drafting committees had also been set up to provide input related to 10 thematic areas, including the rights of migrant workers.

14. Sri Lanka enjoyed very good relations with Australia, particularly with respect to migration issues. A joint working group had been established to combat people smuggling and transnational crime, including through the sharing of information. There was extensive cooperation between the judicial and law enforcement authorities of the two countries. A workplan had been proposed for future legal cooperation, and an agreement had been reached to commence discussions on a draft memorandum of understanding on readmission and returns.

15. The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, in which the Australian Government had taken a leading role, provided a platform for regional cooperation. One of its principal aims was to address the root causes of irregular migration. As acknowledged in the Jakarta Declaration on Addressing Irregular Movement of Persons, the causes were complex and multidimensional. Regional efforts needed to focus on prevention, early detection, protection and prosecution. It was important to ensure that the most affected countries of origin, transit and destination were involved in the Process. It was also important to respect the principles of national independence, sovereignty and non-interference in the internal affairs of other States. Thanks to the Process, there was already significant cooperation in the areas of human rights, economic development, poverty reduction, justice and democracy.

16. Consideration was being given to the question of the voting rights of Sri Lankan migrant workers in response to a long-felt need to review the overall electoral system. The Government remained reluctant to recognize the competence of the Committee to receive communications from States parties and individuals, as provided in articles 76 and 77 of the Convention, in a context in which many of the major labour-receiving countries were not parties to the Convention. Sri Lanka could be left on an unequal footing when it came to responding to communications, especially if they concerned the treatment of Sri Lankan migrant workers in a State not bound by the Convention. The Government would review its position once a sufficient number of labour-receiving countries had ratified the Convention, which it hoped would be in the near future.

17. **Mr. Wanasekara** (Sri Lanka) said that the Sri Lanka Bureau of Foreign Employment worked closely with a range of civil society organizations, with which it had recently undertaken joint visits to Jordan and Lebanon. During those visits, Bureau personnel had interacted with local organizations working on migrant labour issues and had had the opportunity to observe the education and health services available to children of migrant workers. The National Labour Migration Policy fell under the responsibility of the Ministry of Foreign Employment, which delegated tasks to other key stakeholders. The implementation of the Policy was monitored and evaluated by the National Advisory Committee on Labour Migration, which had among its members representatives of government institutions, international organizations, NGOs, recruitment agencies, academia and trade unions. Special projects were being carried out under the Policy with the technical

assistance of the International Labour Organization. Lastly, the Government had increased financial incentives aimed at encouraging the flow of remittances through formal channels.

18. **The Chair**, thanking the delegation for its comprehensive replies, said that the Committee was keenly interested in the Colombo Process and the Abu Dhabi Dialogue, which offered a valuable opportunity for communication between labour-sending and labour-receiving countries.

19. **Ms. Ladjel** (Country Rapporteur) said that she wondered whether a 12-day pre-departure orientation programme was sufficient to prepare prospective migrant workers. She would like to know whether the Convention was covered in the pre-departure orientation programme, in order to help migrants to assert their rights in the destination country. She would also like to know how the reintegration of returning migrant workers was handled, particularly the reintegration of women migrant workers.

20. She would welcome additional information on how the protection of trafficking victims was organized, how the budget was determined and what institutions and other actors were called upon to help with protection. According to information received, 49 per cent of migrant workers from Sri Lanka were women, and many of them were working in Gulf States; she would like to know if social protection arrangements for those women were adequate. She would also like to know how consular aid was organized, particularly with regard to migrant workers in detention. Were visits made to prisoners and was legal support or psychosocial assistance provided where necessary?

21. **Mr. Brillantes** (Country Rapporteur) asked whether the State party intended to review the 2008 National Labour Migration Policy with a view to expanding its scope to cover Sri Lankan migrant workers in an irregular situation. He would also like information on the budget allocated for implementation of the Policy. The Committee appreciated the State party's efforts to incorporate features of International Labour Organization (ILO) conventions into its domestic programmes, but considered that such measures were not a substitute for ratification. Did the State party intend to ratify ILO conventions No. 97, on Migration for Employment; No. 143, on Migrant Workers; and No. 189, on Decent Work for Domestic Workers?

22. There were persistent reports of corruption among officials with responsibilities relating to the Convention. The problem had apparently increased since the introduction of the requirement for a family background report. He would like to know what measures had been taken to prevent such corruption. He also wished to know what progress had been made towards having a standard domestic workers' contract developed in cooperation with UN-Women and endorsed by States of employment. Judging from the report of the Special Rapporteur on the human rights of migrants, the use of administrative detention seemed to be institutionalized in the State party. Were any efforts being made to correct that situation in order to comply with the Convention? Lastly, he would like to know whether the State party had any programmes to address the needs of migrant workers with disabilities.

23. **Mr. Ceriani**, recalling that the delegation had stated that families were detained only in exceptional cases, asked what kind of circumstances might give rise to such a measure. His impression from the delegation's replies was that detention was almost automatic, yet the obligation under the Convention was to safeguard an individual's liberty except where temporary measures were truly necessary. He would appreciate clarification of the State party's policy in that regard.

24. He would like to know what procedure was applied in the event of immediate removal of a migrant and whether that procedure included all due process rights covered by the Convention. The language used in the Immigrants and Emigrants Act, which dated from 1949, raised a number of questions. Article 31, on the grounds for expulsion, referred to "mentally defective" persons and persons who were undesirable for medical reasons. He

wondered what kind of medical conditions might give rise to deportation. Under article 18, a medical examination might be carried out and, under article 19, officials were empowered to inspect messages or letters, among other documents, being carried by a person seeking entry. Were those articles still applicable and applied?

25. The family background report appeared to have been instituted as a means of resolving a conflict of rights, specifically children's rights and women's rights. However, the State also had an obligation to support families and uphold parents' rights so that children could grow up in decent conditions. A proper analysis was needed of what might lead a mother to migrate and leave her children behind, including any difficulties she might face in asserting her rights as a person within her own community and realizing her desire to attain a decent standard of living. He wondered what alternatives women had that would enable them to access those rights without migrating. If a woman decided that migration was the only way she could improve her own and her family's standard of living, could she take her children with her? What possibilities were there for entire families to migrate? In that connection, he wondered what consideration was given to men's responsibility in the upbringing and development of their children.

26. With reference to the bilateral agreement with Australia, he wondered whether it contained any clauses specifically referring to migrant workers' rights. He would be interested to know whether, in the course of bilateral discussions, Sri Lankan authorities had asked Australia to accede to the Convention in order to ensure that both countries were treating migrant workers in the same way. Lastly, he invited the delegation to comment on the fact that no migrant rights groups were represented on the Board of Directors of the Sri Lanka Foreign Employment Agency, while recruitment agencies were well represented.

27. **The Chair**, affirming the importance of ensuring the involvement of migrant workers on the Board of the Foreign Employment Agency, said that the State party was to be commended for the numerous positive steps it had taken, particularly with respect to legislation and policies on the rights of migrant workers. She would like to know what efforts had been made to regain "A" status for the National Human Rights Commission. She understood that it had been downgraded because of failure to produce a report on killings and enforced disappearances. She also wished to know whether there was in fact a forum for regular consultation with civil society.

28. She would appreciate some information on government measures to put a stop to the sponsorship method of recruitment, whereby women, in particular, lived with and worked for their sponsor families without proper conditions for normal life, including family life. She would also like to know more about arrangements for independent oversight of recruitment agencies. In addition, she wondered what was done to help protect the health of migrant workers so that when they returned to Sri Lanka they would still be fit for work and the country would not incur additional health-care costs. According to the Optional Protocol to the Convention against Torture, oversight of detention centres should be carried out by an independent body. With that in mind, she wished to know what oversight arrangements were in place for detention centres.

29. **Mr. El-Boral** said that his questions regarding the Abu Dhabi Dialogue had not been fully answered. He recalled that he had asked about the *kafala* system, equal pay, and family reunification. In addition, he would like to know whether Sri Lankan workers in the Gulf States had seen their wages fall as a result of the drop in oil prices.

The meeting was suspended at 11.30 a.m. and resumed at 11.50 a.m.

30. **Mr. Wijeratne** (Sri Lanka) said that the delegation welcomed the suggestion that information on the Convention should be included in pre-departure orientation programmes. As to protection of victims of trafficking, various measures had been taken, including the establishment of a shelter for women victims. Further effort was needed, however, to

overcome the social and cultural barriers that prevented many women from seeking assistance out of fear of stigmatization. The National Anti-Human Trafficking Task Force had been charged with taking action to address corruption and complicity in trafficking by migration officials. By March 2017 it was expected to have initiated proceedings against 26 migration officials and to have completed proceedings in 189 cases involving private recruitment agencies. It was also expected to have conducted a country-wide awareness-raising programme on trafficking in persons.

31. While there was scope for improvement in terms of how consular officials dealt with complaints from Sri Lankan migrant workers abroad, in most cases the destination country already had comprehensive processes in place to handle grievances from migrant workers and sponsors alike. In general, it was the sponsor who was penalized. Those who were found to have been abusive could be barred from sponsoring foreign domestic workers in future. With regard to the detention of migrants in an irregular situation, the Government would welcome further guidance and information on best practices from other States, particularly in relation to the detention of children. He understood that it was standard practice for immigration authorities to detain migrants who entered their country illegally. That was the current practice in Sri Lanka, unless the person was seeking asylum, in which case there was a different procedure. In all cases, however, the diplomatic mission of the person concerned would be informed of his or her detention. In that connection, the bilateral agreement between Sri Lanka and Australia did not relate solely to irregular migration; it covered a wide range of other issues, including reintegration of returning migrants.

32. Lastly, the Government was exploring the possibility of ratifying the ILO Migration for Employment Convention (Revised), 1949 (No. 97); Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and Domestic Workers Convention, 2011 (No. 189).

33. **Ms. Jayasuriya** (Sri Lanka) said that Sri Lanka was one of the few countries to have developed a comprehensive national policy on migration and health, which was the product of consultation with a broad array of stakeholders. The policy was supported by the World Health Organization and the International Organization for Migration. Sri Lanka was also working to promote attention to migrant health in the framework of the Colombo Process. Citizens and non-citizens, including migrant workers, enjoyed equal access to free health care in Sri Lanka. Specific programmes were in place to provide, inter alia, medical care, temporary shelter and psychosocial support to returning Sri Lankan migrants. A centre established for that purpose had assisted more than 15,000 Sri Lankan migrants since 2014.

34. **Mr. Wanasekara** (Sri Lanka) said that efforts were being made to empower migrant workers by extending the duration of pre-departure training for women domestic workers from 21 days to 40 days. The training, which was provided in the Sinhala and Tamil languages, included modules on the rights and responsibilities of migrants in countries of destination. The National Advisory Committee on Labour Migration, which met every three months, served as a forum for regular consultation with civil society organizations. All licensed private recruitment agencies had received training on the Code of Ethical Conduct, which was now being implemented.

35. Comprehensive mechanisms were in place to provide care and assistance to returning migrant workers, in particular those who returned with disabilities. By way of example, free medical assistance and other services were provided at the *Sahana Piyasa* centre, located near Bandaranaike International Airport. Since 2014, thousands of returned migrants had received medical attention either at the centre or at the nearest hospital, depending on their needs. Migrants whose disabilities did not require immediate medical attention were reunited with their families. Two insurance schemes were also available to enable injured migrant workers to seek compensation. The insurance was free and covered

all migrant workers registered with the Bureau of Foreign Employment. To date in 2016, some 1,200 claims had been lodged and 87 million Sri Lankan rupees had been paid out in compensation.

36. **Ms. Ladjel** said that she wished to thank the delegation for the constructive dialogue and commend the State party for its efforts to protect migrant workers. She welcomed the State party's withdrawal of its reservation to article 29 of the Convention, which was testament to its political will to bring domestic legislation into conformity with the Convention. She expressed the hope that the Government would proceed to ratify ILO conventions Nos. 97, 143 and 189. She also encouraged it to consider ratifying the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, as a means of further enhancing protection for migrants workers.

37. **Mr. Brillantes** said that he had much appreciated the quality and richness of the dialogue with the Sri Lankan delegation. It was clear that Sri Lanka was a major proponent of migrant workers' rights. Its leadership role in the Colombo Process was well recognized, and the measures it had taken to prevent illegal recruitment and regulate private employment agencies served as guidance to other States. Its prominence and achievements, however, meant that there were high expectations that the State party could and would achieve even more. The Committee hoped that its concluding observations would be of benefit in that regard.

38. **Mr. Aryasinha** (Sri Lanka) said that the dialogue with the Committee had served as an opportunity to demonstrate the importance that his Government placed on the welfare of Sri Lankan migrant workers, who represented a sizeable proportion of the country's population and made an important contribution to its economy. The Government was aware, however, that many of its nationals were in situations of vulnerability overseas. It had therefore consistently striven to be at the forefront of regional and international efforts to improve the protection of migrant workers and actively sought to work collaboratively with destination countries with a view to safeguarding its citizens.

The discussion covered in the summary record ended at 12.25 p.m.